

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
MARYLAND
Northern Division**

**DAWANNA COLEMAN STEELE
PERSONAL REPRESENTATIVE FOR
THE ESTATE OF RODNEY O'NEIL
STEELE SR.
19 King Charles Circle
Rosedale MD 21237**

AND

**DAWANNA COLEMAN STEELE
19 King Charles Circle
Rosedale MD 21237**

Plaintiff,

v.

**SUZUKI MOTOR CORPORATION
300 Takatsuka-cho
Minami-Ku
Hamamatsu Shizuoka 432, Japan**

**Serve: Suzuki Motor Corporation
300 Takatsuka-cho
Minami-Ku
Hamamatsu Shizuoka 432,
Japan**

Defendant

Case No.: _____

COMPLAINT

Plaintiff, by and through her undersigned counsel, bring this civil action for damages against Defendant Suzuki Motor Corporation (hereinafter "SMC"). In support thereof, Plaintiff allege the following:

LAW OFFICES
KOONZ MCKENNEY
JOHNSON & DEPAOLIS LLP
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10300 EATON PLACE, SUITE 200
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JURISDICTION

1. This court has jurisdiction under 28 U.S. Code § 1332 for reasons set out fully below.

VENUE

2. Venue is proper under 28 U.S. Code § 1391 for reasons set out fully below.

PARTIES

3. Plaintiff Dawanna Coleman Steele is an adult resident of the state of Maryland, residing at the above-captioned address, and is bringing this action in her capacity as personal representative of the Estate of Rodney O'Neil Steele Sr.

4. Upon information, knowledge, and belief Defendant SMC is a global motorcycle manufacturer and marketer focusing on the design, manufacture, production, and sale of motorcycles and motorcycle accessories. Defendant SMC sells its products through the Internet and through dozens of dealerships located across the globe, including seven (7) in Maryland. Defendant SMC engages in systematic and substantial business in Maryland, through its dealerships, its Internet presence, and substantial marketing of its products in the state.

5. At all times relevant hereto, each of the above named Defendant was engaged in the business of designing, manufacturing, advertising, distributing, supplying and/or selling **SUZUKI** brand model GSX-R1000 motorcycles, including a 2007 model with the vehicle identification number JS1GT77A172108102.

FACTS

6. On or about September 8, 2019, Rodney O'Neil Steele Sr., a motorcycle enthusiast was attending a "Track Day" at Summit Point Motorsports Park in Summit Point, West Virginia.

7. A "Track Day" is an organized event where motorcycle enthusiasts can ride their motorcycle with others on a closed course race track grouped into classes of individuals that has similar motorcycle skills, speed, lap times, and equipment. A track day is a time where riders can operate at higher speeds without fear of traffic and breaking speed limit laws.

8. On the day of the accident, Mr. Steele was operating a 2007 Suzuki GSX-R1000 motorcycle. The Suzuki GSX-R1000 motorcycle is classified as a sport bike, one that replicates the design of the ultra-high performance race level Suzuki Superbikes for riders to use on the street and at tracks for track days, club events, and grassroots racing.

9. The use of the GSX-R1000 motorcycle on closed course track is a foreseeable use of the motorcycle. In fact, the GSX-R1000 motorcycle was specifically designed and marketed for such Track Day events.

10. At the time of the accident, Mr. Steele's GSX-R1000 motorcycle had not been significantly changed from the condition in which it was sold.

11. Mr. Steele was traveling on the straight section of the track at a high rate of speed, estimates around 150 miles per hour, a normal and typical speeds reached in this portion of the course when suddenly and without warning, Mr. Steele's motorcycle fractured causing the front wheel assembly to break free and causing Mr. Steele to crash at high speed.

12. The fracture in the frame was predominantly located at the weldment between the aluminum casting of the Bulkhead to the rectangular drawn aluminum tubes at both sides of the motorcycle. This fracture was un-noticeable prior to failure. The frame of Mr. Steele's motorcycle fractured under normal conditions without any warning.

13. In the vicinity of the crash, there was no rider or other external contributing factor that could have caused the motorcycle to fracture. At the time of the accident, Mr. Steele was operating his motorcycle on a smooth paved surface.

14. As a result of the motorcycle's failure, Mr. Steele suffered catastrophic injuries. Mr. Steele was air-lifted to Winchester Medical Center Emergency Department, where he received extensive medical treatment for his catastrophic injuries, including traumatic subdural hemorrhage with loss of consciousness, displaced fracture of multiple cervical vertebra, bilateral contusion of lung, anoxic brain damage, and a fracture of upper lower end of left and right fibula, and other injuries.

15. Mr. Steele survived in the hospital until September 10, 2019, when he passed away as a result of his aforementioned injuries.

16. At all times relevant hereto, decedent Rodney O'Neil Steele Sr. was free of any and all contributory negligence.

17. As a result of this crash and the negligence of the Defendant, Rodney O'Neil Steele Sr. experienced extreme physical pain and suffering, and emotional distress. His wife Dawanna Coleman Steele, likewise experienced extreme emotional distress watching Mr. Steele suffer and eventually die as a result of his injuries.

18. As a further result of this crash, the negligence of the Defendant, and the death of Rodney O'Neil Steele Sr., Dawanna Coleman Steele has experienced severe and

debilitating mental anguish, sorrow, grief, and lack of solace. She has incurred medical and funeral expenses, and has suffered from the loss of income of the decedent as well as his protection, care, counsel, and assistance.

COUNT I
(Strict Liability Defendant SMC)

19. Plaintiff incorporates by reference all other paragraphs of the Complaint as if fully alleged herein.

20. At the time the GSX-R1000 motorcycle with the vehicle identification number JS1GT77A172108102 left the control of the Defendant SMC, it was it was unreasonably dangerous in the following ways:

- a. It was defective as designed;
- b. It was defective as manufactured;
- c. It was defective because it was unfit for its intended purposes;
- d. It was defective due to inadequate warnings;
- e. The motorcycle was insufficiently supported to withstand foreseeable forces;
- f. The material used for the frame was insufficient to withstand foreseeable forces; and/or
- g. The weldment between the aluminum casting of the Bulkhead to the rectangular drawn aluminum tubes at both sides of the motorcycle was insufficient to withstand foreseeable forces.

21. As a direct and proximate result of one or more of these unreasonably dangerous conditions, decedent of Rodney O'Neil Steele Sr. sustained serious injuries which required extensive medical treatment, and eventually resulted in his death.

22. As a further direct and proximate result of these unreasonably dangerous conditions Plaintiff incurred expenses for medical care and attention rendered to decedent, loss of income of the decedent, and funeral expenses. The Plaintiff has also experienced severe and debilitating mental anguish, sorrow, grief, and lack of solace as a result of the death of decedent and also suffered and continue to suffer from the loss of his protection, care, counsel, and assistance.

COUNT II
(Negligence Defendant SMC)

23. Plaintiff incorporates by reference all other paragraphs of the Complaint as if fully alleged herein.

24. At all times relevant hereto, Defendant SMC owed a duty of care to use reasonable care in the design, manufacture and sale of the subject 2007 GSX-R1000 motorcycle.

25. Notwithstanding this duty of care, Defendant SMC, individually, as well as through its agents, servants or employees, negligently and carelessly designed, manufactured, and/or sold a motorcycle, more specifically a GSX-R1000 motorcycle with the vehicle identification number JS1GT77A172108102, that was unsafe and unfit for its intended purposes in that:

- a. It was defective as designed;
- b. It was defective as manufactured;
- c. It was defective because it was unfit for its intended purposes;
- d. It was defective due to inadequate warnings;
- e. It was insufficiently supported to withstand foreseeable forces!

- f. The material used for the frame was insufficient to withstand foreseeable forces;
- g. The wall thickness of the frame material was insufficient to withstand foreseeable forces;
- h. The manual and maintenance schedule that were provided did not address the proper testing and inspection of the motorcycle frame;
- i. There was insufficient support of the motorcycle frame to withstand foreseeable forces;
- j. There was insufficient thickness of the frame walls to withstand foreseeable forces; and/or
- k. There was insufficient welding and heat treatment of the motorcycle frame to withstand foreseeable forces.

26. As a direct and proximate result of one or more of these negligent acts or omissions, decedent of Rodney O'Neil Steele Sr. sustained serious injuries which required extensive medical treatment, and eventually resulted in his death.

27. As a further direct and proximate result of these negligent acts or omissions Plaintiff incurred expenses for medical care and attention rendered to decedent, loss of income of the decedent, and funeral expenses. The Plaintiff has also experienced severe and debilitating mental anguish, sorrow, grief, and lack of solace as a result of the death of decedent and also suffered and continue to suffer from the loss of his protection, care, counsel, and assistance.

COUNT III
(Wrongful Death)

28. Plaintiff incorporate by reference all other paragraphs of this Complaint in same force and effect as if fully alleged herein, and further allege as follows:

29. At all times relevant herein, Defendant, through the actions and/or inactions of their agents and employees, proximately and directly caused the wrongful death of Rodney O'Neil Steele Sr.

30. As a result of the death of Rodney O'Neil Steele Sr., Plaintiff Dawanna Coleman Steele has experienced sorrow, mental anguish, and lack of solace, and has incurred medical expenses and suffered from the loss of income of the decedent.

31. As a further result of the death of Rodney O'Neil Steele Sr., Plaintiff Dawanna Coleman Steele is claiming all damages to which she is entitled under MD. Code Ann, CTS. & JUD. PROC. § 3-904 (e), including but not limited to loss of society, companionship, comfort, guidance, kindly offices and advice of the decedent; compensation for the reasonably expected loss of income of the decedent as well as his services, protection, care and assistance; expenses for the care, treatment, and hospitalization of the decedent incident to his injuries that resulted in his untimely death; funeral expenses; and any other damages that this Court finds just and proper.

COUNT IV
(Survival Action of Rodney O'Neil Steele Sr.)

32. Plaintiffs incorporate by reference all other paragraphs of this Complaint in same force and effect as if fully alleged herein, and further allege as follows:

33. At all times relevant herein, Defendant, proximately and directly caused Rodney O'Neil Steele Sr. to sustain catastrophic and painful injuries, and to endure extreme

pain and suffering as a result of these injuries until his untimely death on September 10, 2019.

34. As a further result of the injuries caused to Rodney O'Neil Steele Sr., the Estate of Rodney O'Neil Steele Sr. is claiming all damages to which it is entitled under MD. Code Ann, CTS. & JUD. PROC. § 3-904, including but not limited to medical expenses, loss of income, pain, suffering and mental anguish, and any other damages that this Court finds just and proper.

WHEREFORE, for the foregoing reasons, Plaintiff respectfully demands judgment against Defendant Suzuki Motor Corporation, in the amount of Ten Million Dollars (\$10,000,000.00) plus interest and costs, along with any other relief the Court deems just and proper.

Respectfully submitted,

KOONZ MCKENNEY JOHNSON &
DEPAOLIS, L.L.P.

By: /s/ Kasey K. Murray
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JURY DEMAND

Plaintiff respectfully requests a jury trial as to all issues alleged herein.

/s/ Kasey K. Murray
Kasey K. Murray